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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/800,941  | 03/15/2004  | Kunio Nobori         | 5077-034/DVA        | 1282             |
| 27572 7590 01/23/2009<br>HARNESS, DICKEY & PIERCE, P.L.C.<br>P.O. BOX 828<br>BLOOMFIELD HILLS, MI 48303 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| HUBER, JERIMIAH C   |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 2621  |             |                      |                     |                  |
| MAIL DATE   |             | DELIVERY MODE        |                     |                  |
| 01/23/2009  |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/800,941

**Applicant(s)**

NOBORI ET AL.

**Examiner**

JEREMIAH C. HUBER

**Art Unit**

2621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/843962.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/846952, filed on 4/27/2001.

### ***Terminal Disclaimer***

The terminal disclaimer filed on 9/26/2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent no. 7,161,616 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroshi et al (JP 11-078692 note attached machine translation) in view of Kudo (20010012059).

In regard to claims 10 and 12 Hiroshi discloses an image generating a synthesized image from camera images of the surroundings of a vehicle taken with a plurality of cameras including:

a parameter storage section for storing a plurality of sets of image synthesis parameter groups representing the correspondence between the camera images and the synthesized image (Hiroshi Fig. 3 note 13-A to 13-D, also note pars. 17-19 note LUT's in blocks A-D map vertical and level addresses to memories also note par. 26 block A is used for a backward state, par. 58 block B is used for an advance state, par. 60 block C is used for parallel parking, and par. 62 block D is used for crossings); and

a parameter selection section for selecting at least one among the plurality of sets of the image synthesis parameter group stored by the parameter storage section according to an output of an output of a vehicle motion and status detection section for detecting the status of the vehicle such as an operation by a driver of the vehicle (Hiroshi par. 15 note vehicle state directions part 11);

It is noted that Hiroshi does not disclose details of filtering. However, Kudo discloses an image pickup device with adaptive filtering that includes selecting filter parameters, and applying frequency band filtering based on motion (Kudo Figs 3 and 6 and pars 86-113 note pars. 94-98 for parameter selection). It is therefore considered obvious that one of ordinary skill in the art at the time of the invention would have recognized the advantage of including motion based adaptive filtering as taught by Kudo in the invention Hiroshi in order correct for image blur in the presence of movement as suggested by Kudo (Kudo pars. 110-111).

In regard to claim 11 refer to the statements made in the rejection of claim 10 above. Kudo further discloses filtering setting data for each pixel of camera images (Kudo fig. 5 and pars. 86-113 note filtering according to selected characteristics is applied to all pixels of an image).

### ***Response to Arguments***

Applicant's arguments with respect to claims 10-12 have been considered but are moot in view of the new ground(s) of rejection.

On further consideration of the claims, a rejection based on the merits of claims 10-12 is now included. Therefore, this new non-final rejection is submitted.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMIAH C. HUBER whose telephone number is (571)272-5248. The examiner can normally be reached on Mon-Fri 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeremiah C Huber  
Examiner  
Art Unit 2621

/Jeremiah C Huber/

Examiner, Art Unit 2621

/Mehrdad Dastouri/

Supervisory Patent Examiner, Art Unit 2621